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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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DONALD RICHARDSON,

Petitioner,

*versus*

T. L. OUTLAW,

Respondent.

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CIVIL ACTION NO. 1:05-CV-598

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Donald Richardson, a federal prisoner, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner is not entitled to credit toward his federal sentence for the time he spent in state custody. Petitioner argues that the Bureau of Prisons should give effect to the state court's intention that the state sentence be served concurrently with petitioner's federal

sentence. However, the state court's determination that the state sentence should run concurrently with the federal sentence is not binding on the federal government. *See, e.g., Leal v. Tombone*, 341 F.3d 427, 427-30 (5th Cir. 2003); *Jake v. Herschberger*, 173 F.3d 1059, 1065 (7th Cir. 1999); *Del Guzzi v. United States*, 980 F.2d 1269, 1270-71 (9th Cir. 1992).

**ORDER**

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 22nd day of January, 2007.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE